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February 15, 2021

Via Electronic Filing

The Honorable Judge Edgardo Ramos
U.S. District Court, Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Ortiz Ochoa et al v. Prince Deli Grocery Corp. et al*
Case No.: 18-cv-09417-ER

Dear Honorable Judge Ramos:

This law firm represents Defendants Prince Deli Grocery Corp. (d/b/a Prince Deli Grocery) and Abdo S. Anam (a/k/a Abdo Saleh) (together, the “Defendants”) in the above-referenced action.

Pursuant to Your Honor’s Individual Motion Practice Rules 1(A), this letter respectfully serves as a reservation of rights regarding the pending Order to Show Cause for Sanctions against Plaintiff Luis Antonio Ortiz Ochoa (“Plaintiff”), and Plaintiff’s former counsel, Michael Faillace & Associates, P.C. (the “Faillace Law Firm”) [Dckt. No. 40] (the “Order to Show Cause”).

The Faillace Law Firm’s recent substitution of counsel [Dckt. Nos. 44, 47, 49] cannot operate or be construed as a proverbial “get-out-of-jail-free card.” *See Kuldeep Singh et al v. Mandeep Kaur et al* [Case No.: 1:19-cv-06927] (November 19, 2020 Order) (“If a lawyer discovers that his client has given him inaccurate material information that has become part of the record of the case, the lawyer cannot simply head for the hills. He has a duty to advise his client to correct the misinformation. If the correction is fatal to the plaintiff’s case, then the lawyer has the duty to urge the client to move to voluntarily dismiss the case.”) The Faillace Law Firm still must respond to the pending Order to Show Cause why sanctions should not be imposed against them for the bad faith filing and prosecution of the instant action, under, *inter alia*, Fed.R.Civ.P. 26(g)(3), 37(b), 37(c), 28 U.S.C. § 1927, this Court’s inherent authority, and Fed.R.Civ.P. 11(c). [See Dckt. Nos. 40, 48].

Thus, out of an abundance of caution, Defendants hereby respectfully reserve all rights against the Faillace Law Firm, notwithstanding their recent substitution of counsel. [Dckt. Nos. 44, 47, 49].

Respectfully Submitted,

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VIA ECF: All Counsel